

DIST. OFFICE		DOCKET		FILING DATE		JURY		DOCKET	
YR.	NUMBER	MO.	DAY	YR.	NUMBER	YR.	NUMBER	YR.	NUMBER
1085/4	76	0460	09 03	76	4	360	5	42	250
				JUDGE				JURY	
				NUMBER				DEM.	
				8508				P	
				8510				76	
				8509				0460-8	

PLAINTIFFS

DEFENDANTS

74-C-427-BC
Consolidated

GERALD GRESHAM

NEILL-PRICE CONSTRUCTION CO.
and NEILL-PRICE INTERNATIONAL,
INC.

CAUSE

Personal Injury

ATTORNEYS

Paul C. Matthews
11 Broadway
New York, N. Y. 10004
212- 344-1936Francis C. Dixon (both defts.)
DeRosa, Sequeira & Rienzo
102 Maiden Lane
New York, New York 10005
212-791-7447John H. Tucker
RHODES, HIERONYMUS, HOLLOWAY & WILSON
2900 Fourth National Bank Building
Tulsa, Oklahoma 74119

(918) 582-1173

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	10-1-76
				JS-6	6-1-80

DATE	NR.	PROCEEDINGS
1976		
9-3	1.	cc of Order transferring case to ND/Okla. from U.S. Dist. Ct., SD/New York, fld. (Gerard L. Goettel, Judge)s
9-3	2.	cc of docket sheet showing the following entries, filed:s
Oct.25-74		Filed complaint and issued summons.
11-17-75		Filed ORDER OF ATTACHMENT against the property of defts. Neill Price Construction Co. and Neill Price International Int.. in an action in the U.S.D.C., on grounds for attachment...in order that plttf may obtain recovery from defts. for personal injuries alleged to have been sustained while in employ of defts ...the plttf having given an undertaking with corporate surety in the amount of \$1,750 of which the sum of \$1,500 is conditioned that plttf will pay defts all legal costs and damages by reason of attachment..If defts recover judgment or it is finally decided that plttf is not entitled to attachment of defts' property, and the balance thereof in sum of \$250 is conditioned that plttf will pay U.S.Marshall all allowable fees, it is ORDERED that the U.S.Marshall for SDNY is commanded to levy within his jurisdiction at any time before final judgment upon the contractual obligation and debt of Commercial Ins. Co., Newark, N.J., 102 Maiden Lane,N.Y. to defend and indemnify defts under employer's liability policy issued said defts. for the purpose of satisfying any judt. that may be obtained by plttf. against defts.ORDERED than an Order of Attachment is hereby granted and it is further ORDERED that plttf within 3 days after levy is made, shall make a motion on notice to defts. garnishee and the U.S.Marshall for leave to prove the grounds upon which the order of attachment was issued, the burden of proof as to such issue being on plttf. If no such motion is made, the order of attachment shall be deemed vacated. No disposition of the levied property shall be made by the U.S.Marshall until final determination of motion - STEWART,J. (m/n)
01-22-75		Filed undertaking on attachment in the sum of \$1,750.00 fidelity & deposit Co. of Maryland.
01-31-75		Filed summons with marshals returned -served Commercial Insurance Co. of Newark, N.J. by P.J. McGeady on 1-27-75
02-07-75		FILED plttf's memorandum of law in support of motion to vacate attachment of
02-18-75		Filed affdvt. Joseph Maddalena, in behalf of Commercial Inc. Co, the garnishee and in opposition to plttf's. motion to justify and order of attachments under rule 492).
03-03-75		Filed reply affdvt. of Paul C. Matthews for plttf. PCM
06-27-75		Filed Order of attachment filed in US. Dist Court 1-10-75 with marshal's return.
09-23-75		Filed Memo. endorsed on motion filed 2-7-75. Motion to prove the grounds of attachment is granted --Stewart, J. m/n
05-11-76		Filed notice of reassignment to Judge Goettel
05-12-76		Filed defts. affdvt. and notice of motion for an order vacating the attachment of an insurance policy and dismissing the lawsuit etc. ret. 5-24-76
05-12-76		Filed defts memorandum of law in support of above motion to vacate attachment of insurance policy and dismiss the lawsuit.
05-26-76		FILED DEFTS. MEMORANDUM OF LAW BY Judge Goettel
7-2-76		Filed plttf's. memo andum of law.
7-2-76		Filed plttf's. affdt. of Paul C. Matthews.
08-16-76		Filed memo.end on motion filed 5-12-76 deft. moves to vacate the attachment commencing this action, to dismiss the action for lack of jurisdiction over subject matter and person, and to transfer venue. "****" This action will be transferred to the United States District Court of the Northern Dist of Oklahoma. It is so ordered--Goette, J. m/n
9-3		Transcript of proceedings, filed.s
9-17	3.	Entry of Appearance of Rhodes, Hieronymus, et al., for Deft. Neill-Price Construction Co. & Neill-Price International, fld. DeRosa, Sequeira & Rienzo of New York are co-counsel. v

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-460-B</u>
GERALD GRESHAM		NEILL-PRICE CONSTRUCTION CO., et al	PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
9-22	4.	Defts' Motion for S/J, filed. ph	
9-22	5.	Defts' Memo. in support of motion for S/J, filed. ph	
9-23	MO:	It is ordered by the Court that the Pltf. file a resp. brief within 10 days to the Defts' Motion for S/J. (AEB-J)ph ltr. mld.	
10-18	6.	Pltf's memorandum in opposition to deft's motion for S/J, filed.s per MC	
11-23	MO	IT IS ORDERED that this litigation be abated pending the outcome of the appeal in 74-C-427, Gerald Gresham v. Neill-Price Construction Co. (AEB-J)k cps mld	
12-23	7	Appl. & Order from USDC. SDN.Y.#74CIV 4711, filed, directing Marshal of that court to release & vacate levy. g	
12-27	8.	Pltf's motion to vacate order of Judge Barrow dated 11-23-76, filed. lm	
12-27	9.	Pltf's brief in support of motion to vacate order of Judge Barrow dated 11-23-76, filed. lm	
12-27	MO	Ordered by the Court that defts. are granted ten days from this date to respond to pltf's motion to vacate. (AEB-J)lm ltrs mld.	
<u>1977</u>			
1-6	10.	Deft's response to Pltf's motion to vacate, filed.s	
3-22	11	Order fld. It is ordered that the Pltf. mot. to vacate be overruled. (AEB-J) cps mld. ho	
5-2	12.	Order, filed, sua sponte that 76-C-460-B be consolidated with 74-C-427-B. Further, it is ordered the the mot. for S/J filed in 76-C-460 by defts. is overruled. Further, the abatement heretofore entered in 76-C-460-B is set aside. Further, the defts. are ordered to file any answer in support of their position within 15 days from this date. Further, parties are directed to complete all discovery by 6-15-77, to hold a pre-trial conference on or before 7-1-77 and to submit an approved pre-trial order on or before 7-9-77. (AEB-J)k cps mld	
<u>1979</u>			
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-19	MO	Case transferred to Judge Fred Daugherty. (HDC-J)k	
11-9 <u>1980</u>	MO:	CASE TRANSFERRED TO JUDGE THOMAS R. BRETT.(JCS-CLK)jc	
5-8	13	JUDGEMENT, entered in favor of defts. Neill-Price Construction Co. & Neill-Price International, Inc., and against the pltf. Gresham. (TRB-J)cs c/m.	

JUDGE BRETT

PLAINTIFF

DEFENDANT

DOCKET NO. _____

PAGE ____ OF ____ PAGES

DATE

NR.

PROCEEDINGS